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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,786	10/21/2005	Walter Huber	095309.56197US	4283
23911 7590 07/16/2007 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER KAPLAN, HAL IRA	
			ART UNIT 2836	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,786	Applicant(s) HUBER ET AL.	
	Examiner Hal I. Kaplan	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/05, 12/13/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: Paragraph [0019], lines 3-4 identify electronic switch 11 and electronic relay 4 as the same part (the relay is an example of a switch), but Figure 1 shows switch 11 and relay 4 as 2 separate parts. In addition, the part identified by reference numeral 11 does not comprise a switching device. Paragraph [0019], line 4 and paragraph [0021], line 11, reference numeral 11 is identified as both an electronic switch and as an input wiring. Reference numeral 11, as illustrated, is neither an electronic switch nor input wiring, but rather is two diodes in series with a resistor (see Figures 1 and 2). Paragraph [0023], line 3, "purpsoe" should be "purpose". Paragraph [0024], line 2, "remains in a locking switching" is unclear. Paragraph [0026], line 13, "auxiliary voltage source 8" should be "auxiliary energy accumulator 8".

Appropriate correction is required.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the text on the control unit (Vcc,V_off) in Figures 1 and 2 is difficult to read. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

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drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rectifier of claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

5. The drawings are objected to because of the following informalities: In Figures 1 and 2, electronic switch 11 in Figures 1 and 2 is not illustrated as comprising a switch. In Figure 1, battery 6 is not illustrated with the proper electrical symbol for a battery. An electrical symbol for a ground is used instead.

6. The drawings are objected to under 37 CFR 1.84(p)(2) because Figure 1 contains reference labels which are not in the English language.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 14 in Figures 1 and 2 (see paragraph 22, line 6). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

8. Claim 9 is objected to because of the following informalities: Claim 9 depends from canceled claim 1. For examination purposes, it has been assumed that claim 9 was intended to depend from claim 8. Appropriate correction is required.

Information Disclosure Statement

9. The information disclosure statement filed May 27, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Copies of patent documents EP 0 744 322 and EP 0 968 884 were not provided.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 10 recites the limitation "the transport device power supply" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For examination

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purposes, it has been assumed that the transport device power supply is the main vehicle battery. Claims 11-14 inherit this deficiency.

13. Claim 14 recites the limitation "the auxiliary energy accumulator" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, it has been assumed that the claimed auxiliary energy accumulator is a second energy accumulator, identified by reference numeral "8" in Figures 1 and 2.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the German patent of Maier (DE 101 08 751) in view of the US patent of Christiani et al. (6,581,619).

As to claim 8, Maier discloses a system for prompting a control unit (5-8) having a power supply circuit for changing the control unit from a normal operational state to a sleep mode, and a prompting device which is operable to switch the power supply through in order to change the control unit into the normal operational state, wherein, the prompting device (4) is supplied with substantially no current in the sleep mode; when the prompting device is operated, energy is used to change the control unit into the normal operational state; a switch (1) is operable to connect the control unit to a power supply (0); and mechanical energy can be converted to electric power when the prompting device (4) is operated (see paragraphs [0004] - [0006] and [0010] - [0013]). Maier does not disclose the claimed energy accumulator. An oral translation of DE 101 08 751 was obtained, and a written translation will be provided as soon as it is available.

Christiani discloses a dischargeable energy accumulator (27) which supplies energy when the device is not in a normal operational state, and can be charged in the normal operational state (see column 4, lines 19-26 and 56-61, and Figure 1). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have

included a dischargeable energy accumulator in the circuit of Maier, in order to temporarily provide power when the main power supply is disconnected or fails.

As to claim 9, the energy accumulator of Christiani is a backup capacitor (27) (see column 4, lines 23-26).

As to claim 10, Maier discloses an electric switch (1) arranged between the power supply (0) and the control unit (5-8), wherein in the normal operational state, the switch (1) supplies the control unit (5-8) with an operating voltage, and in the sleep mode, the switch (1) blocks, so that the control unit (5-8) is switched substantially current-free in the sleep mode (see paragraph [0007]).

As to claims 11 and 12, the prompting device (4) of Maier has a piezogenerator (see paragraph [0007]).

As to claim 13, Maier discloses a rectifier (3), which permits the utilization of both polarities of the alternating voltage generated by the piezogenerator (4) (see paragraphs [0010] and [0011]). Christiani discloses a rectifier (26) in front of the energy accumulator (27) (see column 4, lines 19-26 and 56-61, and Figure 1).

As to claim 14, Maier in view of Christiani do not disclose a supplemental energy accumulator; however, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have included a supplemental (second) energy accumulator to supply a supplementary energy which supplements the energy provided by the energy accumulator, because it has been held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). See MPEP §2144.04(VI)(B).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US patents of Yoshida et al. (5,744,874 and 6,791,207), Hanf et al. (5,892,893), Will (6,144,312), and Mori (6,392,903) disclose similar systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read "MS 7/19/07", is written over the printed name and title of Michael Sherry.

MICHAEL SHERRY
SUPERVISORY PATENT EXAMINER
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